

PUBLIC

AI Index: MDE 31/008/2007

01 August 2007

Further Information on UA 79/05 (MDE 31/003/2005, 5 April 2005) and follow-up (MDE 31/004/2005, 7 April 2005) - Fear of imminent execution

YEMEN

Hafez Ibrahim (m), aged 19

The Supreme Court has upheld the death sentence against Hafez Ibrahim. Neither he nor his lawyer was reportedly informed of the court's decision until yesterday, when the lawyer learnt that the execution is imminent.

Hafez Ibrahim was sentenced to death in 2005 for a murder he allegedly committed when he was 16. His death sentence was ratified by the President and was reportedly scheduled to be carried out on 6 April 2005.

However the former Minister of Human Rights had told Amnesty International that after this UA was issued on 5 April 2005, she appealed personally to the President to stay the execution. She also said that Hafez Ibrahim's age was disputed. She undertook to seek commutation of the death sentence, by obtaining a pardon from the family of the murder victim. On 7 April 2005 the Yemeni president stayed Hafez Ibrahim's execution to allow time for an agreement to be reached in the case.

Relatives of the victim have reportedly refused to pardon Hafez Ibrahim, and in July 2007 the Supreme Court upheld the death sentence against Hafez.

BACKGROUND INFORMATION

Yemen has made significant progress in the prohibition of the use of the death penalty against juveniles, but courts continue to sentence children to death. The legal progress to prohibit the use of the death penalty against children followed the ratification of the Convention on the Rights of the Child (CRC) by the government in 1991. At that time the prohibition of the use of the death penalty against juveniles was limited to offenders below the age of 15 at the time of the crime. However, this categorical prohibition was extended in 1994 to include children below the age of 18 at the time of the commission of capital offences. This is stipulated in Article 31 of the Penal Code, Law 12 of 1994, and marks a positive progress bringing Yemen's laws into line with Article 37 of the CRC and Article 6 (5) of the International Covenant on Civil and Political Rights, which categorically prohibit the use of the death penalty against anyone under 18 years of age at the time of commission of any capital offence.

Yemen's legislative progress in this regard has not been consistently matched by the practice of the courts, which have sometimes imposed the death penalty on offenders who were below the age of 18 at the time of the offence.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic or your own language:

- urging the authorities to protect Hafez Ibrahim from execution;
- expressing grave concern that the death sentence imposed on Hafez Ibrahim was upheld contrary to Article 31 of the Yemeni Penal Code, Article 37 of the Convention on the Rights of the Child and Article 6 (5) of the International Covenant on Civil and Political Rights, which prohibit the use of the death penalty against juveniles and call for the death sentence to be replaced by a penalty consistent with international standards for the administration of juvenile justice;

- urging the President to commute all outstanding death sentences and establish a moratorium on executions, with a view to completely abolishing the death penalty, as called for by Paragraph 5(b) of resolution 2001/68 of the Commission on Human Rights.

APPEALS TO:

President

His Excellency General 'Ali 'Abdullah Saleh
President of the Republic of Yemen
Sana'a
Republic of Yemen

Fax: + 967 127 4147

Salutation: Your Excellency

Attorney General

His Excellency Abdullah al-Ulufi
Office of Attorney General
Sanaa, Republic of Yemen

Fax: + 967 137 4412

Salutation: Your Excellency

Minister of Interior

His Excellency Dr Rashid Muhammad al-Alimi
Ministry of Interior
Sana'a
Republic of Yemen

Fax: + 967 1 332 511

Salutation: Your Excellency

Minister of Human Rights

Her Excellency Houda 'Ali 'Abdullatif al- Baan
Ministry for Human Rights
Sana'a, Republic of Yemen

Faxes: + 967 1 444 838

Salutation: Your Excellency

COPIES TO: diplomatic representatives of Yemen accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 September 2007.